



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Anand D. SANKRUTHI
Title: VOLUME TYPE DETERMINATION FOR DISK VOLUMES
MANAGED BY A LDM
Application No. 10/760,348
Filing Date: 1/21/2004
Examiner: Ryan A. Dare
Art Unit: 2186
Confirmation No.: 9775

REPLY BRIEF UNDER 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

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Sir:

Appellant stands by his Appeal Brief and all of the various distinctions listed therein. However, Appellant wishes to respond to several arguments made in the Examiner's Answer dated May 21, 2007.

Claims 1 and 13

On page 10 of the Examiner's Answer (in the Response to Arguments section) it states that "in regard to Kim teaching superficial specifying characteristics of a logical volume: Kim teaches a metadata table, which includes a logical volume map (pars. 83-84 and fig. 3). The logical volume map stores a RAID Level of the volume (par. 102 and fig. 5). This metadata is a superficial specifying characteristic of a logical volume." In addition, the Examiner states that "[t]he fact that Kim discloses using a Logical Volume Manager to access the superficial specifying characteristics is not pertinent because the claims do not require that the superficial specifying characteristics may not be accessed through a logical volume

manager.” Further, the Examiner concludes that “[w]hile the RAID level field is read directly, the method of writing the logical volume is inferred based on the RAID level.”

In response, Applicant submits that the Examiner has still failed to explain and provide evidence that Kim discloses the key innovation of the claimed method. That is, Kim fails to disclose correlating the superficial specifying characteristics of a volume against one or more previously determined volume characteristics to infer how data was written to the volume. Instead, as illustrated in FIGs. 10 and 11, in order to determine the raid level 98 of a logical volume, the logical volume map, stored in a disk partition, is read directly. (See ¶ [0125].) This fact is acknowledged by the Examiner on page 11 of the Examiner’s Answer. No correlation or inference is made by the method taught in Kim. Accordingly, it is clear that Kim teaches that the raid level is obtained by accessing the volume created by Logical Volume Manager. Contrary to the Examiner’s assertion, this fact is pertinent because it is evidence that Kim does not correlate the superficial specifying characteristics of a volume against one or more previously determined volume characteristics to infer a method used for writing data onto the volume. Further, paragraph [0125] does not disclose, teach or suggest that the superficial specifying characteristics are correlated against previously determined volume characteristics to infer the method used for writing data onto the volume as claimed in independent claims 1 and 13.

Claim 12

On page 12 of the Examiner’s Answer it states that Kim teaches “a logical volume map in par. 103 and fig. 5. The examiner is treating this logical volume map as ‘the symbolic name’ of the present claim 12.”

The Examiner’s interpretation is incorrect. One of ordinary skill in the art would understand “symbolic name” to mean a unique name used to represent an entity, i.e. a volume. Applicant’s specification further indicates that the symbolic name is a string not a map. See pp. 8-9. Moreover, Applicant notes that the Examiner’s answer is the first instance during prosecution of the application where the Examiner has explained that he interprets the logical volume map to correspond to the symbolic name of the claimed invention.

Further, as explained in paragraph [0102], FIG. 5 is a logical volume map containing a stripe size and raid level. That is, the volumes taught in Kim have both a stripe size and a raid level. Kim identifies a volume by header, volume ID and volume name. (See FIG. 5.) However, Kim does not disclose, teach or suggest “identifying the volume type as either “raid” or “striped”” as claimed in claim 12. Thus, Kim does not disclose each and every element of the invention as claimed in claim 12. Further, Cabrera fails to cure the deficiencies of Kim.

Claims 2-11 and 14-16

In response to the Examiner's Answer, for the reasons set forth above, Applicant maintains that claims 2-11 and 14-16 are allowable. Dependent claims 2-11 and 14-16 depend from one of claims 1 and 13 and should therefore be allowed without regards to further patentable limitations contained therein. In addition, concerning claims 9-11 and 14 Mason and Cabrera fail to cure the deficiencies of Kim.

CONCLUSION

In view of above, appellants respectfully solicit the Honorable Board of Patent Appeals and Interferences to reverse the rejections of the pending claims and pass this application on to allowance.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. § 1.25. Additionally, charge any fees to Deposit Account 08-2025 under 37 C.F.R. § 1.16 through § 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

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